

**STATEMENT OF
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**FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE**

**Before the
U.S. Senate, Committee on Energy and Natural Resources
Subcommittee on Forests and Public Land Management**

October 14, 1999

Thank you for your invitation to testify at this hearing today on three bills concerning the Forest Service: S. 1599, a bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest; S. 1343, a bill to convey certain National Forest lands to Elko County, Nevada for continued use as a cemetery; and S. 1629, a bill to provide for the exchange of certain land in the State of Oregon. I appreciate the opportunity to join you today.

S. 1599, Sale or Exchange of Administrative Sites on the Black Hills National Forest

We support S. 1599, which would authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest.

Specifically, the bill would authorize the sale or exchange of nine parcels totalling approximately 367 acres. The bill would also authorize the Secretary to deposit any funds received through the sale or exchange of these properties into the fund commonly known as the "Sisk Act", which would then be available, upon appropriation, for acquisition of other lands in the State of South Dakota and the acquisition or construction of administrative improvements in connection with the Black Hills National Forest.

S. 1343, which conveys certain National Forest System lands to Elko County, Nevada

We do not object to conveying the lands to Elko County, Nevada included in S. 1343, but oppose this bill because it does not require fair market value compensation. The taxpayers of the United States should receive fair market value for the sale, exchange, or use of their National Forest lands.

We believe that this legislation is unnecessary because the Forest Service can meet its objectives through current statutes that allow the Forest Service to convey this parcel to Elko County for land or cash value. For example, under the Townsite Act, the Secretary of Agriculture may convey, for fair market value, up to 640 acres of land to established communities located adjacent to National Forests in Alaska and in the contiguous western states. Within certain limits, the Sisk Act authorizes the Secretary of Agriculture to exchange up to 80 acres of lands with states, counties, or municipal governments or public school districts for lands or money. Moreover, under the General Exchange Act and Weeks Act, the Secretary of Agriculture can exchange National Forest system lands with State and local governments.

These laws require the Secretary of Agriculture to obtain fair market value for exchanges or sales of National Forest lands. Indeed, the Federal policy backed by a bipartisan coalition in the executive and legislative branches in recent decades has moved toward requiring a fair market value return to the public for the lands conveyed out of Federal ownership. We object to reversing this policy by opening the door to less than fair market value consideration for the disposition of National Forest lands.

The use of this land as a cemetery has been approved through a special-use permit. If Elko County is not willing to pay fair market value for this land, its current and future use of this land could continue to be authorized under the special-use permit authorization.

S. 1629, the Exchange of Certain Lands in Oregon

We support the goal of completing the land exchange covered by Title II of S. 1629, known as the Triangle Land Exchange Act of 1999. The land exchange has been proceeding administratively and is well on its way to completion. We believe that this legislation is unnecessary, and that the exchange should be completed through the ongoing administrative process.

Title II of S. 1629 deals with the Triangle land exchange involving the Forest Service and Clearwater Land Exchange-Oregon (Clearwater), a third party facilitator acting on behalf of multiple private landowners. This exchange was first proposed in 1997, and involves approximately 5,700 acres of private land and approximately 3,901 acres of National Forest land on the Malheur, Umatilla, and Wallowa-Whitman National Forests.

The environmental analysis process was initiated for this exchange in August, 1997, and the environmental assessment was completed in April, 1999. Based on the analysis and public concerns raised during the process, as well as recent court rulings on land exchange cases, the Forest Service determined that an Environmental Impact Statement (EIS) would be required. We are now proceeding with completion of the EIS. While this will add time to the land exchange process, it will ensure that full public involvement and all significant environmental effects are addressed. We anticipate that a Record of Decision will be signed by August of the year 2000.

The bill, as written, would require that the land exchanges be completed not later than 90 days after the date on which Clearwater, on behalf of the identified landowners, makes the Secretary an offer to exchange. We believe this timeframe would not allow for completion of the EIS, leaving the Agency more vulnerable to appeals and litigation that could further delay the exchange. We feel that the bill is unnecessary, and that the administrative process in place is working and should not be pre-empted by the timeline required in the bill.

Closing

Mr. Chairman, we support S. 1599, a bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest. We, however, oppose S. 1343, but would support the conveyance of this parcel of land to Elko County for fair market value compensation. While we support the goals of the Triangle Land Exchange, we do not support S. 1629 as currently written, as we believe the bill is unnecessary and that the administrative process should be continued to complete this exchange.

This concludes my statement, and I would be happy to answer any questions you and any Members of the Subcommittee might have.